

# TAB E

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1998 WL 614660  
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United States District Court, District of Columbia.

UNITED STATES of America, Plaintiff,  
v.  
MICROSOFT CORPORATION, Defendant.  
STATE of New York ex rel. Attorney General  
Dennis C. Vacco, et al., Plaintiffs,  
v.  
MICROSOFT CORPORATION, Defendant.

No. CIV. A. 98-1232(TPJ, CIV. A. 98-1233(TPJ.

Sept. 2, 1998.

PLAINTIFF UNITED STATES' MOTION TO  
COMPEL MICROSOFT CORPORATION TO  
COMPLY WITH  
DISCOVERY

JACKSON, District J.

\*1 Pursuant to Rule 37 of the Federal Rules of Civil Procedure, the United States hereby moves the Court to compel Microsoft to comply within twenty-four hours to the following specific requests in Plaintiffs' Third Joint Request for Production of Documents, served on August 14, 1998:

- 1) Request for Production No. 1, concerning Microsoft databases relating to OEMs and Microsoft operating system products;
- 2) Request for Production No. 2, requesting documents relating to any meetings or communications between Paul Maritz or Bill Gates and any representative of Intel Corporation that took place between January 1, 1995 and December 31, 1997;
- 3) Request for Production No. 4, requesting documents relating to any meetings or communications between Eric Engstrom or Chris Phillips of Microsoft and any representative of Apple Computer, Inc. that occurred between

January 1, 1996 and August 14, 1998; and

4) Request for Production No. 5, requesting documents relating to any meetings or communications with any OEM relating to Apple's QuickTime technology.

This motion is made on the grounds that the document requests are relevant to the subject matter of the action and do not relate to privileged matters, and the refusal to comply is without justification. This Motion is supported by the Memorandum filed herewith.

#### ORDER

UPON CONSIDERATION OF the Motion by the United States of America to Compel Microsoft Corporation to Comply With Discovery, it is this \_\_\_\_\_ day of \_\_\_\_\_, 1998,

ORDERED that Plaintiffs' motion is GRANTED, and that Defendants shall comply within twenty-four hours to the following specific requests in Plaintiffs' Third Joint Request for Production of Documents, served on August 14, 1998:

- 1) Request for Production No. 1, concerning Microsoft databases relating to OEMs and Microsoft operating system products;
- 2) Request for Production No. 2, requesting documents relating to any meetings or communications between Paul Maritz or Bill Gates and any representative of Intel Corporation that took place between January 1, 1995 and December 31, 1997;
- 3) Request for Production No. 4, requesting documents relating to any meetings or communications between Eric Engstrom or Chris Phillips of Microsoft and any representative of Apple Computer, Inc. that occurred between January 1, 1996 and August 14, 1998; and
- 4) Request for Production No. 5, requesting documents relating to any Microsoft meetings or communications with any OEM relating to Apple's QuickTime technology.

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